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HUMAN RIGHTS COMMITTEE

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SUMMARY RECORD OF THE 1077th MEETING

Held at the Palais des Nations, Geneva,
on Wednesday, 17 July 1991, at 10 a.m.

Chairman: Mr. POCAR

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The meeting was called to order at 10.15 a.m.

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER ARTICLE 40 OF THE COVENANT (agenda item 4) (continued)

Second periodic report of Jordan (CCPR/C/46/Add.4 and list of issues to be taken up in connection with the consideration of the report (no symbol))

1. The delegation of Jordan took places at the Committee table.

2. The CHAIRMAN invited the Committee to consider the second periodic report of Jordan (CCPR/C/46/Add.4). He welcomed the delegation of that country, which had always cooperated closely with the Committee. The Jordanian authorities had once again given proof of their willingness to cooperate by nominating for membership of the Committee one of their nationals, Mr. Sadi, who was currently in his second term of office.

3. He invited the Jordanian delegation to introduce the second periodic report (CCPR/C/46/Add.4).

4. Mr. HAMMAD (Jordan) said it was a great honour for him to introduce the second periodic report. He himself was Secretary-General of the Ministry of the Interior, and had been attached to that Ministry for over 20 years; he had been given the task of overseeing the 1989 parliamentary elections, and in addition to his regular duties had taken on the chairmanship of the committees set up to assist the refugees who had passed through Jordan during the Gulf crisis of 1990-1991. He had thus had the opportunity, in various capacities, to follow closely the implementation of the provisions of the Covenant.

5. The achievements of the Hashemite Kingdom in all fields covered by the Covenant were a source of pride for his country. To begin with, democracy had been strengthened, in a region which had great need of it. Indeed, the Jordanian authorities had always believed in democracy, and although the democratic process might have been interrupted at certain times in the country's history, due to circumstances outside the Government's control, it had now been restored. Parliamentary elections had been held in 1989. Observers of all shades of the political spectrum had paid tribute to the honesty which had characterized the election process. The candidates could be divided into four broad groups: Islamic, conservative, left-wing, and nationalist. It should be noted that women had been free to stand for election under the same conditions as men. The Jordanian people had thus been able to elect its representatives freely and in complete fairness.

6. His Majesty King Hussein, in order to strengthen the principles of democracy and political pluralism which governed Jordanian society, had ordered the setting up of a royal committee for the protection of the rights provided for under the National Charter; that Charter had been adopted by a national congress at which all levels of Jordanian society had been represented. The National Charter stressed the need to protect the whole range of civil, political, social and cultural rights. It also declared that the fundamental tenets of the current regime were the same as those underlying the constitution of the Jordanian State; those fundamental tenets were not in dispute, since they were deeply rooted in the people and reflected the people's

interests. Jordan thus had a representative, constitutional and monarchist system of government. The constitution was respected both in letter and in spirit. He again stressed that in Jordan, men and women were equal before the law, equality being a feature of Jordanian civilization and culture.

7. The concept of a State governed by the rule of law and the concept of political pluralism were enshrined in the National Charter. The State derived its legitimacy not only from respect for the law, but also from the will of the people. The Jordanian regime offered every possible kind of legal and administrative guarantee in regard to human rights and fundamental freedoms. Under the National Charter, Jordan was a State governed by the rule of law in the modern sense of the word; it was a democratic State, in other words it was a State belonging to all citizens, whatever their opinions. It derived its strength from the effective implementation of the principles of justice and equality, and gave all Jordanians the opportunity of participating in decisions on matters of concern to them and in the strengthening of democracy.

8. The state of emergency had been lifted on 7 July last, by royal decision, in order to strengthen those same democratic principles.

9. With regard to legislation, the Government had drawn up the provisions of a political parties act, the draft of which, currently before Parliament, was to be considered by a special session of the Chamber of Deputies. Two other important bills were in preparation, one on elections, and the other on publications. Further progress in that area, as well as amendments to national legislation, would need time, as well as support from international bodies, primarily the Human Rights Committee.

10. The CHAIRMAN invited the delegation of Jordan to reply to the questions asked in section I and section II (former section III) of the list of issues, which read:

"I. Constitutional and legal framework within which the Covenant is implemented (art. 2 (2) and (3)

(a) Please clarify the statement, in paragraph 6 of the report, that Jordanian courts give international conventions precedence over domestic legislation 'unless public order would be jeopardized thereby'. Can such a statement apply to the Covenant?

(b) Can the provisions of the Covenant be invoked before the courts? Can a law be declared unconstitutional by a court on grounds that it is contrary to the Covenant?

(c) Please indicate factors and difficulties, if any, affecting the implementation of the Covenant. Please describe, in particular, what impact the recent armed conflict in the region has had on the implementation of the Covenant.

II. State of emergency (article 4)

(a) Please clarify whether the administrative regulations promulgated under the state of emergency are in conformity with article 4, paragraph 2 of the Covenant.

(b) What is the maximum period for which the state of the emergency can be declared and what machinery is there for extending it or placing limitations on it?

(c) What consideration is being given to complying with article 4, paragraph 3 of the Covenant relating to the notification by States parties of a state of emergency?"

11. Mr. HAMMAD (Jordan), in reply to the questions in section I (a), said that international conventions had precedence over domestic legislation, except when the regime was threatened, for example, in the case of a state of emergency or when some exceptional danger was threatening the future of the nation. That exception did not apply in the case of natural disasters. There was thus complete conformity with the provisions of the Covenant on that point.

12. Regarding section I (b), he stated that currently there was no court in Jordan entitled to pronounce on the constitutionality of a law, but it had been decided to set up a constitutional court.

13. Regarding section I (c), as indicated in the report (CCPR/C/46/Add.4), implementation of the Covenant had never given rise to any difficulty within the country. The factors affecting implementation of that instrument were external to Jordan, and related essentially to the political instability of the region. The recent conflict over Kuwait had also given rise to difficulties in that connection.

14. Mr. AGUILAR URBINA welcomed the delegation of Jordan. He considered that, where implementation of the Covenant in Jordan was concerned, the Committee should take due account of the situation provoked by the Gulf war. It should be noted that, on the occasion of that conflict, the Jordanian authorities had displayed great maturity and had shown a peaceable spirit which deserved commendation.

15. That being said, a number of questions that had been put to representatives of Jordan during consideration of the initial report (see document CCPR/C/SR.103) were still unanswered. One of them concerned the reasons behind the dissolution of the Chamber of Deputies. He would like to know what those reasons were, and also whether they were such as to justify further recourse to that procedure.

16. He noted that paragraph 14 of the second periodic report (CCPR/C/46/Add.4) stated that "every Jordanian is entitled to exercise the right to own property". During its consideration of a previous report of Jordan, the Committee had noted that in Jordan the fact of being a property owner had a certain effect on the enjoyment of other rights. Was that still the case today?

17. He welcomed the lifting of the state of emergency, but would like to know to what extent Jordanian citizens could have recourse to the courts when the state of emergency was in force. As he understood it, the powers of the executive were very extensive, and included prohibiting citizens from appealing against measures it had taken. He would appreciate further clarification on that question.

18. In paragraph 22 of the report (CCPR/C/46/Add.4) it was stated that military courts had jurisdiction in cases involving membership of a banned political party. What was the current situation in that regard and what would be the effect of the introduction of the new political parties act? He would also like to have more details regarding the Suppression of Communism Act of 1953. Was it still in force?

19. Mr. FODOR welcomed the representatives of Jordan and said that the Committee was glad to have one of their compatriots among its members. He noted that the quality of the reports submitted by Jordan was improving each time. Nevertheless, the second periodic report (CCPR/C/46/Add.4) was not in his view totally satisfactory. It did not include any general part, and in addition did not provide any information on progress achieved in implementing the provisions of the Covenant. He was glad to learn that the state of emergency had been lifted, that a royal committee had been set up for the protection of rights enshrined in the Covenant, and that new laws on elections, political parties and publications were shortly to be promulgated. He would appreciate information on another text, namely the draft defence act. He would also like to know what was the current status of the Suppression of Communism Act, which was by now somewhat dated. In addition, he would like further details concerning the National Charter. He would also like to hear what progress had been made in implementation of the Covenant since Jordan's last report had been considered.

20. As he understood it, the country had a somewhat complicated judicial system, in which ordinary courts existed alongside religious courts, special courts and military courts. There, too, clarification would be welcome. He also wondered whether, in the current circumstances, there was any need to maintain a system of military courts. In any event, would not the lifting of the state of emergency automatically mean the disappearance of such a system? If not, what effect would the lifting of the state of emergency have on military courts? He understood that they enjoyed very extensive powers; in particular, they dealt with cases involving persons who did not belong to the armed forces. As noted in paragraph 29 of the report (CCPR/C/46/Add.4), military courts were competent to deal with cases involving offences under narcotics legislation. He wondered whether cases of that kind could legitimately be heard by a military court. What procedures and what criteria were applied to decide the respective competences of the various types of court? In the case of a conflict of competence between two jurisdictions, what was the judicial authority entitled to decide the matter? A reading of the report (CCPR/C/46/Add.4) showed that religious courts dealt with matters involving Muslims. But if only one of the parties was of the Islamic faith, was such a court still competent?

21. Lastly, he would like to know what had been the impact of the Gulf war on Jordan.

22. Mr. PRADO VALLEJO welcomed the Jordanian delegation. Its presence was proof of the Jordanian Government's willingness to cooperate with the Committee.

23. The announcement of the lifting of the state of emergency was indeed excellent news. However, if his recollection was correct, that state of

emergency had been declared over 40 years earlier. He found it difficult to see the need for applying such a measure - which imposed limits on certain fundamental rights - over such a long period. Article 4 of the Covenant provided that such measures could be taken in time of public emergency which threatened the life of the nation. Had that really been the case in Jordan? He would also like to know exactly which rights had been restricted by the state of emergency, and to what extent enjoyment of rights specifically recognized under the Covenant had been affected.

24. The Defence Act, which had been in force since 1935, contained certain provisions permitting the imposition of almost total censorship. It enabled the authorities' power to carry out arrests and expulsions, and allowed them virtually absolute powers in that regard. He would like to know whether the Jordanian Government intended to repeal the Act, or at least to limit its application.

25. Lastly, he noted that other laws of the Hashemite Kingdom affected the enjoyment of rights enshrined in the Covenant. He would be grateful if the delegation of Jordan could provide the Committee with further information in that regard.

26. He associated himself with the questions raised by Mr. Fodor. In addition, he would appreciate further information on the legal status of the National Charter, because although the adoption of that Charter was in fact a sign of progress towards respect for human rights and democracy, the obligations it involved were not very clearly defined. As he understood it, there existed in Jordan, not only written laws, but unwritten laws, notably tribal laws, which authorized certain practices that might be perpetrated against innocent victims; accordingly, he wondered whether the Government was taking steps to ensure that any such laws which might contravene the principles enshrined in the Covenant were no longer applied.

27. Ms. CHANET welcomed the fact that Jordan had always cooperated fully with the Committee. She too greatly appreciated Mr. Sadi's presence among the Committee's members.

28. She associated herself with the comments made by Mr. Fodor on the report of the Government of Jordan: the first part was extremely brief, and the second part did not contain all the information that might have been desired, notably regarding implementation of article 25 of the Covenant. Accordingly, it would be useful if the Government of Jordan could provide additional information in writing, notably on the political parties act, particularly in view of what was stated in paragraph 87 of the report. The Government of Jordan should also provide some clarification on the bill currently before Parliament to amend the Suppression of Communism Act of 1953.

29. Concerning article 99 and the subsequent articles of the Jordanian Constitution, she would like to know how the civil courts were constituted, what special courts were, how judges were appointed, what were the terms of their mandate and the grounds on which they could be removed from office, and what were the criteria governing their promotion. It was stated in article 104 of the Constitution that religious courts were divided into the Shar'ia courts and councils of other religious communities. In that

connection, and with reference also to article 106 of the Constitution, she asked whether in practice Shar'ia courts applied the precepts of religious law, what exactly those precepts were, and whether there were cases in which the corporal punishment provided for under the law was applied.

30. In view of the fact that no reference was made in the report to implementation of article 2 of the Covenant, and that the delegation of Jordan had stated that, under his country's legislation, the Covenant took precedence over domestic law and could be directly invoked before the courts, she would like to know whether there had been actual cases in which the provisions of the Covenant had in fact been implemented by Jordanian courts.

31. Mrs. HIGGINS said that, like other members, she welcomed the presence of the delegation of Jordan before the Committee, and appreciated the valuable contribution made to the Committee's work by Mr. Sadi.

32. She regretted that the report submitted by the Government of Jordan, contained no information on implementation of articles 25, 26 and 27 of the Covenant. She would like to have some clarification on the conduct of the 1989 elections, since as she understood it those elections had been organized not on the basis of political parties, but rather on the basis of individual candidates, and the Muslim Brotherhood had played a considerable role; that fact might have affected the freedom of choice of voters, which would be an infringement of the right to self-determination.

33. She wondered to what extent the state of emergency in Jordan had really been lifted, since according to her information, in practice only the martial law imposed since December 1989 had been lifted, by a simple decree, and emergency legislation was still in force, which would mean that the Government of Jordan was still failing to comply with certain provisions of the Covenant. However, she understood that a new bill on defence had been drafted, and would like to know whether it had been adopted.

34. Mr. MYULLERSON expressed the hope that the Committee would be able to engage in a fruitful dialogue with the delegation of Jordan on specific aspects of the implementation of provisions of the Covenant, and in that connection welcomed Mr. Sadi's presence on the Committee and paid tribute to his competence.

35. The report of Jordan contained very few statistics, and gave practically no indication of the difficulties that the country - like most States parties - must have encountered in implementation of the Covenant. In that regard, he shared the concerns expressed by Mrs. Higgins, and would like to be informed what distinction was made under Jordanian law between a state of emergency and martial law. He wondered what was meant by the statement by a certain non-governmental organization that martial law had been "frozen" in December 1989.

36. Mr. WENNERGREN welcomed the delegation of Jordan, and said he too was glad to have Mr. Sadi as a member of the Committee.

37. He noted that paragraph 6 of the report stated that in Jordan international conventions prevailed over all domestic legislation, "with the

exception of the Constitution". As he understood it, however, according to article 15 of the Constitution, under which freedom of opinion was safeguarded "within the limits of the law", the Constitution authorized certain exceptions, which were thus provided for under ordinary law. Accordingly, he wondered whether there was any room left for international instruments to be directly applicable by Jordanian courts.

38. Mr. HAMMAD (Jordan) welcomed the opportunity to reply to the questions raised by members of the Committee. He realized that his country's report was not complete, but pointed out that the questions covered by the Committee's terms of reference were extremely diverse and wide-ranging, and it was therefore difficult to provide detailed information on every point.

39. In order to reply to the questions relating to the dissolving of the Chamber of Deputies, he would first have to give a brief historical account of the situation in the Hashemite Kingdom of Jordan. The country had acceded to independence at the beginning of the century and had adopted a constitution embodying a number of democratic principles, such as the existence of two separate Chambers. Because of its geographical situation, Jordan had experienced numerous difficulties of a political and social nature, first in 1948 with the arrival of vast numbers of refugees on its territory, and then in 1967 when the West Bank, which was part of the Kingdom, had been occupied. It was then, in 1967, that the Chamber of Deputies had been dissolved. Later, in view of the exceptional circumstances and the state of war prevailing in the country, a consultative council had been set up to re-establish constitutional normality, and it had thus been possible, after the severing of legal and administrative links with the West Bank, to hold full parliamentary elections in 1989.

40. Military courts were competent to deal only with matters concerning the armed forces, just as courts of customary law dealt only with civil law matters and followed the regulations of civil procedure.

41. Concerning the question of political parties, the Chamber of Deputies had, early in 1991, promulgated a law repealing the 1953 Act which had prohibited the setting up of a communist party in Jordan, so that now there was complete freedom to set up political parties of all kinds.

42. Religious courts had jurisdiction in matters concerned solely with civil and personal status, and were not competent to deal with cases involving ordinary offences. Since in Jordan civil status was connected with religion, and since it was necessary to guarantee freedom of conscience and religion for all citizens, religious courts had been established, the members of which were appointed by the appropriate council of each of the religious communities in the country.

43. Concerning the effects of the Gulf war, it should be remembered that Jordan had had to contend with a tragic situation following the influx into its territory of hundreds of thousands of refugees from Kuwait and Iraq, whom it had endeavoured to provide with medical care and material assistance in so far as its means allowed. It was thus possible that, in such a crisis, Jordan may have failed to comply with one or more of the provisions of the Covenant in some respects.

44. In June 1991, the National Congress, meeting in Amman, had adopted the National Charter, a document which had been drafted by a special committee chaired by a member of the Jordanian Senate, on which all sections of the Jordanian population had been represented. The Charter proclaimed all the principles governing Jordanian national life, principles which were based on full respect for human rights, freedom of expression and free participation by citizens in the democratic conduct of public affairs.

45. In reply to Mr. Fodor, he reiterated that, in principle, the regular courts had jurisdiction in all cases, and that religious courts dealt only with matters concerning civil and personal status. With regard to the courts martial (or customary courts), since martial (or customary) law had been completely abolished by the order of 7 July 1991, they had ceased to exist, with the exception of those which had not yet completed consideration of the cases before them. He recalled that martial law had been suspended ("frozen") since 1989 pending the issuing of the repeal order, and that the same was true for the courts martial and customary courts.

46. Since a number of questions had been raised regarding the state of emergency, he would point out that the latter had been declared in 1967 (not 40 years ago as had been suggested), at the time of the war between Israel and the Arab countries. On the other hand, the Defence Act of 1939 was concerned with exceptional circumstances and cases, and did not apply to the whole of Jordanian territory, but to certain clearly defined zones, so that it was inadequate to meet the situation at the time of the 1967 war. The Government of Jordan had thus been obliged to declare a state of emergency and martial law.

47. The National Charter, which was an expression of Jordan's desire to progress further along the road to democracy, had been adopted by representatives of all sectors of the population, and had precedence over the Constitution, to such an extent that the latter might even have to be amended. Proposals for such amendments were to be submitted to the National Assembly.

48. With regard to the application of the provisions of the law in Jordan, reference had been made to written and non-written provisions, and to customs such as tribal revenge. He could affirm that the latter custom had been discontinued, but it should be recognized that the standard of education required to ensure the rule of written law could not be achieved overnight, but would take some years. The Minister of the Interior was making efforts to restrict undesirable practices. In addition, the National Charter mentioned the need to extend the scope of the law and to renounce tribal customs. He believed that his country would succeed in putting an end to the tendencies and practices in question within a reasonable period of time.

49. In reply to the question raised by Ms. Chanet on the appointment of judges, he said that the law stipulated that the independence of the judiciary was designed to protect the courts from any outside interference. Court proceedings were public, unless the judge considered it necessary to hold them in camera, for instance in cases relating to public morality. Judges were selected on the basis of a competitive examination organized and supervised by

the Supreme Council of the Judiciary, which also decided on appointments, promotions and transfers. Judges retired at 72 years of age, or following a decision by the Supreme Council.

50. The Penal Code stipulated that no one could be tried unless the Public Prosecutor had charged him with an offence. Every accused person was presumed innocent until proved guilty. The accused person appeared before the courts without being bound or shackled in any way, and was entitled to the free assistance of an interpreter if he had difficulty in following the proceedings. Lastly, he pointed out that, in Jordan, a private citizen desiring the restoration of a right of which he had been deprived could appeal directly to the highest authorities in the land, the ministers, the Prime Minister, or even the King.

51. Mrs. Higgins had raised a number of questions about the 1989 elections, in which numerous candidates and political parties had participated. As Secretary-General of the Ministry of the Interior, he wished to reassure the Committee that those elections had been held in a climate of freedom, democracy and honesty, and in accordance with law currently in force. The Muslim Brotherhood had taken part, and had put forward their own programme. The phenomena observed in the course of the elections had been the result of the situation currently prevailing in countries of the region, as well as of the deep religious beliefs of the population.

52. In reply to Mr. Myullerson, who had asked why martial law had been "frozen", he described the various stages that a bill had to pass through before adoption. The National Assembly adopted a text, which was then submitted to the Senate, and was then, after receiving Senate approval, promulgated and published in the Official Gazette. It was only at that stage that the law took effect. In the case of martial law, it was at the request of the National Assembly that the Government, in 1989, had agreed to "freeze" or suspend its provisions until such time as the act of repeal had gone through all the stages of the legislative process. That, in fact, was what had happened.

53. Regarding the question raised by Mr. Wennergren on the precedence of international conventions over domestic law, he gave an example to illustrate the importance attached by the Government of Jordan to obligations contracted under the Covenant. When the Jordanian authorities had severed their administrative and legal links with the West Bank (CCPR/C/46/Add.4, para. 6 et seq.), a number of persons had appeared before the Jordanian courts invoking the Constitution of the Hashemite Kingdom. The Supreme Court had replied that Jordan had always respected the rulings of international authorities, and that, even in such a sensitive case, it would never intervene in matters concerning Palestinians, but would respect the ruling made at international level.

54. Mr. PRADO VALLEJO said he would like the Jordanian delegation to dispel a doubt in his mind: if military courts no longer existed, should it be concluded that paragraphs 21 and 22 of the report no longer applied?

55. Mr. FODOR said he would like to know whether martial law had been completely abolished, and whether the Defence Act had likewise been abolished; should the latter still be in force, was it to be replaced by another act now in the process of being adopted?

56. With reference to paragraph 19 of the report (CCPR/C/46/Add.4) and to article 124 of the Constitution, under which the powers conferred on the person designated by the Act to ensure the defence of the realm included power to suspend "ordinary laws", he wondered whether that term meant non-military laws, and covered international conventions.

57. Mr. HAMMAD read out a brief extract from the text abolishing martial law. The text concerned was the second royal decree issued on 7 July 1991 to abolish all provisions relating to courts martial, and all directives given to such courts under article 125, paragraph (a) of the Constitution, as well as under any amendments to that article. However, it was understood that the courts martial would have to conclude consideration of the cases which were before them and which had been assigned to them by the Council for Economic Security. There were, in addition, military courts, which dealt with all cases involving the armed forces. The courts martial, on the contrary, were special courts, responsible for implementing directives issued under emergency powers. When such special courts had concluded consideration of the cases before them, they would not be authorized to deal with other cases.

58. Mr. Fodor had asked a question concerning the Defence Act of 1939. He pointed out that that Act was concerned with exceptional circumstances and exceptional cases, and was applicable to a very restricted number of areas in the Hashemite Kingdom, not to the territory as a whole. It was to be replaced by the proposed State security act, which had just been considered by the Chamber of Deputies and was currently before the Senate.

59. Finally, on the subject of persons detained in Jordanian prisons, he stated that he himself had accompanied a delegation from Amnesty International which was visiting prisons in the country to observe the conditions under which prisoners were held.

60. Mrs. HIGGINS said she realized that she might have missed some of the replies given by the representative of Jordan, but she still had no clear idea of the maximum period for which a state of emergency could be declared, the question asked in section II, paragraph (b) of the list of issues, nor of the machinery referred to in the same question. Furthermore, no reply had been given to the question asked in paragraph (c) of the same section, namely whether Jordan was still considering complying with the provisions of article 4, paragraph 3, of the Covenant relating to the notification by States parties of a state of emergency. In fact, it was clear from the provisions of the Covenant as well as from the Committee's General Comments that the purpose of such notification was to inform other States parties of the provisions of the Covenant from which the State concerned had derogated on the grounds of the state of emergency, and of the reasons for that derogation.

61. In fact, she could not really see in what respects the situation in Jordan constituted a state of emergency. She had only a general idea of the content of the Defence Act now in force. She understood from what she had

read in the Jordanian press that, although the proposed security act which was to replace the Defence Act made provision for right of recourse, it also authorized administrative detention for an indefinite period, without charge or trial, in the case of a person accused of endangering security. Allowing for the possibility that she had perhaps misunderstood replies already given, she failed to see how, in such circumstances, it could be said that the state of emergency had ended, nor did she understand why the measures taken at the time of the 1967 war should have had to be kept in force until the current time.

62. Mr. AGUILAR URBINA said he still had some doubts on the state of emergency, which, according to the Covenant, could only be declared in time of public emergency which threatened the life of the nation. It was difficult to believe that the life of Jordan could have been under constant threat ever since 1939. Article 4 of the Covenant also stipulated that measures derogating from obligations under that instrument could only be taken "to the extent strictly required by the exigencies of the situation"; such a long period was bound to give rise to questions as to how far the measures concerned were compatible with the Covenant.

63. Clearly, the Defence Act must have involved a whole series of derogations of which the Committee was not aware, because Jordan, contrary to its obligations under article 4, paragraph 3 of the Covenant, had never informed other States parties of such derogations through the Secretary-General of the United Nations. In considering the initial report of Jordan (CCPR/C/1/Add.24), the Committee had asked whether the state of emergency was still in force, and the answer had been that the Council of Ministers was investigating the possibility of lifting it. It would be interesting to know what conclusions the ministers had reached on the issue.

64. More specifically, he would like to know what were the particular articles of the Covenant from which derogation had been necessary as a result of the state of emergency, and what administrative regulations had been promulgated under the system of martial law which was still in force.

65. Mr. PRADO VALLEJO asked whether the persons who had been arrested and imprisoned under regulations adopted during the state of emergency had been freed now that the state of emergency had been lifted. He was particularly concerned about persons who had been imprisoned for membership of illegal organizations.

66. Mr. HAMMAD (Jordan) pointed out that a distinction should be made between martial law and the Defence Act. The declaration of martial law had been necessitated by an exceptional situation, namely, the war which broke out in 1967 between Israel and the Arabs. Jordan had been involved in that war, because the West Bank was part of its territory. That constituted an emergency serious enough to threaten the life of the nation. As far as the informing of other States parties was concerned, the Secretary-General and the United Nations as a whole had been aware of the situation, as evidenced by the Security Council's adoption of resolutions 242 (1967) and 239 (1973).

67. The Defence Act had been adopted after passing through the various stages of the normal constitutional process, and was in no sense an emergency law.

Every country had a similar Act. The measures taken under the Defence Act should not be confused with measures taken under the state of emergency.

68. Persons arrested on the orders of the authorities responsible for administering the state of emergency had been detained for a limited period, pending their appearance in court. The special courts were competent to deal with all cases of offences against the security of the State in an emergency situation.

69. Freedoms in general, and the freedom of the press in particular, had been fully respected. A bill was currently before the House of Representatives designed to protect authors' royalty rights and to guarantee the right to freedom of expression. In addition, the political parties act gave everyone the right to set up political associations of all kinds and to distribute newspapers or other publications reflecting their opinions.

70. With regard to persons who were still in detention after the lifting of the state of emergency, the individuals concerned had been tried and found guilty of ordinary offences. Currently, no one was in prison because of his membership of any particular party or political organization. The last seven political prisoners had been freed two months earlier, and there remained 21 persons who had been imprisoned during the state of emergency for homicide or for membership of illegal armed organizations.

71. The CHAIRMAN invited the delegation of Jordan to reply to the questions asked in section III (former section IV) of the list of issues, which read:

"III. Non-discrimination and equality of the sexes (art. 2, paras. 1, 3 and 26)

(a) Please provide examples of any laws or regulations specifically prohibiting discrimination and providing appropriate penalties.

(b) Please comment on whether special difficulties are being encountered in ensuring respect for equality between men and women. Are there any specific remedies available to a woman who claims to have been a victim of discrimination? In this connection, have there been any cases where relief has been sought and, if so, with what results?

(c) Please clarify the basis for the different treatment under Jordanian law of men and women in respect of their capacity to transmit Jordanian nationality to children born outside the country (see para. 10 of the report).

(d) Please provide current data on the number of women in public office, the liberal professions, senior ranks of the civil service and in private business. Please also provide recent data on the proportion of women receiving primary, secondary and higher education.

(e) In which respect are the rights of aliens restricted as compared with those of citizens?"

72. Mr. HAMMAD (Jordan) said the question of non-discrimination had been covered in detail in the report. As could be seen, equality between Jordanian citizens was guaranteed, and women had always participated and continued to participate in cultural, social and economic life, and even in activities connected with security. Jordanian women took part in elections, and women candidates had stood in the recent elections to the Chamber of Deputies. There were women members of the upper house of Parliament, and women played a particularly important role in teaching. In schools and universities, there were equal numbers of pupils and students of both sexes.

73. The CHAIRMAN drew attention to the fact that the Committee awaited replies to each of the five specific questions contained in section III.

74. Mr. HAMMAD (Jordan) said his delegation had already sent the Committee a written reply.

75. The CHAIRMAN said there must have been some misunderstanding, as the secretariat had received no such reply. He now realized why the representative of Jordan had answered only in general terms, but he would invite him to provide further details, if he was in a position to do so.

76. Mr. HAMMAD (Jordan) said that, in view of the fact that his written reply had not reached the Committee, he would willingly supply further details.

77. Article 6 (a) of the Constitution prohibited any discrimination between Jordanians, who were equal before the law as to rights and obligations; the same provision appeared in the Penal Code of 1960. The Jordanian Government had no difficulty in guaranteeing equality between men and women.

78. Where nationality was concerned, Jordan applied the jus sanguinis, so that all children of Jordanian citizens, wherever they had been born, were Jordanian. The child of a Jordanian mother and a father of unknown nationality was also Jordanian.

79. Regarding employment, it should be noted that there were almost as many women as men holding positions in the civil service and in the private sector. At all levels of education, there were as many girls as boys.

80. The only restrictions on the rights of aliens were political, and related to the right to enter and leave the territory, on the basis of the principle of reciprocity.

81. Mr. AGUILAR URBINA pointed out that sex was not included among the possible grounds for discrimination listed in article 6, paragraph (a) of the Jordanian Constitution, although it was mentioned in article 3 of the Covenant.

82. Regarding acquisition of nationality, the position was not entirely clear. On the one hand, the representative of Jordan had stated that children born of Jordanian parents in any country were Jordanian, and the child of a Jordanian mother and a father of unknown nationality was likewise Jordanian. On the other hand, it was stated in paragraph 10 of the report that Jordanian

nationality was granted to a child of a Jordanian father and to anyone born in the Kingdom to a mother holding Jordanian nationality and a father of unknown nationality.

83. In regard to employment, article 46 of the Jordanian Labour Act stated that women were not permitted to work in dangerous occupations, which raised the question of what kinds of occupation were envisaged, and whether women who were prepared to accept the risks could or could not work in such occupations.

84. The report indicated that the right to vote and the right to stand as a candidate in elections were provided for under specific acts, and that there was no general electoral law. Accordingly, it might reasonably be asked whether, should an act governing elections to a particular body refuse such rights to women, a woman who considered that her rights had been infringed could demand that her candidature be allowed by invoking the Covenant.

85. Regarding the right to education, it was somewhat surprising to read in paragraph 15 of the report that the provisional Education Act stipulated in article 3, paragraph (c) (i), that Jordanians were distinguished from one another "by the extent of their devotion and attachment to their society". That phrase would seem to call for some explanation.

86. Mr. ANDO said that, as he was taking the floor for the first time since the beginning of the Committee's consideration of the report of Jordan, he would like to present his compliments to the Jordanian delegation.

87. He associated himself with the questions raised by the preceding speaker regarding acquisition of nationality, since the provisions of article 3 of the Jordanian Nationality Act of 1954, reproduced in paragraph 95 of the report, would appear to sanction discrimination against women. What would be the status of a child born outside the Hashemite Kingdom of Jordan to a Jordanian mother and a father of unknown nationality? Would a foreign man marrying a Jordanian woman and a foreign woman marrying a Jordanian man enjoy exactly the same rights and the same treatment? Did boys and girls have the same rights in regard to succession? In divorce, for instance, were men and women equal where the division of common property and custody of children were concerned?

88. Mr. FODOR, returning to the question raised concerning the Jordanian Labour Act No. 21 of 1960 which prohibited women from working in dangerous occupations, said he would like to know whether the Jordanian legislature had specified which occupations were to be regarded as dangerous, or whether interpretation of the Act was left entirely to the employer.

89. The CHAIRMAN invited the delegation of Jordan to reply to the questions that had been raised at the next meeting.

The meeting rose at 1 p.m.